

22.11. 2024

item No.98

n.b.

ct. no. 24

SA 636 of 1994

with

IA No. CAN 2 of 2020

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CAN 3 of 2022

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CAN 4 of 2022

+

CAN 5 of 2022

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CAN 6 of 2023(not here)

Sri Jitendranath Naskar

Vs.

Smt. Puspa Chakraborty & Anr.

Mr. Kapil Ch. Sahoo

..... for the appellant.

In Re. CAN 2 of 2020

CAN 4 of 2022

CAN 2 of 2020 is an application for substitution on the death of sole appellant.

Learned advocate for the petitioner submits that the sole appellant namely, Jitendranath Naskar expired on April 14, 2020 leaving behind the legal heirs mentioned in paragraph 4 of the application.

He submits that there are some delay in preferring the instant application for substitution. Thus one application for condonation of delay i.e. CAN 4 of 2020 is filed.

Learned counsel for the appellant further argued that the sole appellant was expired during Covid

Pandemic period, in view of the reason, the application for substitution was filed in delay of 150 days.

Having heard the learned counsel, also perusing the application being CAN 2 of 2020 and CAN 4 of 2022 it appears that the applications are true and bona fide. The appellant has expired during the pendency of the instant appeal when the country is running under the Covid Pandemic during that period the court procedure has been stalled, the Hon'ble Supreme Court in suo motu petition has condoned the delay in filing the application during that period.

Under the above observagtion, CAN 2 of 2020 as well CAN 4 of 2022 are considered and allowed.

The legal heir of the sole appellant, appearing in paragraph 4 of the CAN 2 of 2020 be substituted at the place of deceased appellant.

The office is directed to make out the necessary correction is the cause title of the memo of Appeal as mentioned herein above.

Under the above observation CAN 2 of 2020 and CAN 4 of 202 are disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Subhendu Samanta, J.)

